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March 29, 2022

Via ECF

Hon. Ronnie Abrams, U.S.D.J.
United States District Court, Southern District of New York
40 Foley Square, Room 2203
New York, New York 10007

Re: In re Application of Zouzar Bouka, et al., No. 22 Misc. 92 (RA)

Dear Judge Abrams:

We write to respond to Symbion's letter dated yesterday.

To start, Applicants do not object to Symbion's and Mr. Hinks' request to intervene. However, consistent with the approach of other courts in this District to interventions prior to service of subpoenas in Section 1782 matters, we respectfully request the Court direct that all objections are raised now rather than having two bites at the apple if service of the subpoenas is authorized.

We note that Symbion attaches a document purporting to cast doubt on the status of one of the underlying proceedings. Based on our understanding from foreign counsel, we have serious concerns regarding the accuracy of Symbion's statements. We understand from foreign counsel that the exhibit attached to Symbion's letter is a document that was requested by Symbion during settlement negotiations but that was held in escrow by the parties' counsel during those negotiations and was embargoed from use. We understand that it was not filed with the public prosecutor and, as the Banks Declaration makes clear, those proceedings remain ongoing. We will furnish the Court with documents confirming our understanding shortly once we have obtained them from foreign counsel, which we expect will show that Symbion is attempting to mislead the Court.

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Sincerely,

Steptoe & Johnson LLP

/s/ Robert Mockler

cc: All Counsel of Record, via ECF